IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 840 of 2006
Date of decision: September 8, 2006.

Shri Bhagwan

...**Petitioner(s)**

v.

Lt. Gen. (Retd.) O.S. Lohchab & Anr.

...**Respondent(s)**

Present: Shri Ram Niwas Sharma, Advocate for the petitioner.

Shri Narender Hooda, Advocate for the respondents.

Surya Kant, J. (Oral)

The petitioner filed CWP No.3379 of 2005 in which the order terminating his services was impugned. The said writ petition was allowed on January 20, 2006 and while quashing the order of termination dated 10.12.2003, the petitioner was directed to be reinstated in service with all consequential benefits.

Alleging non-compliance of the aforesaid order, this contempt petition has been filed.

In response to the show cause notice, an affidavit of K.L. Khatri, Executive Engineer, Haryana Bijli Vitran Nigam Limited – respondent No.2 has been filed, which is taken on record. Along with the said affidavit, the second respondent has appended a copy of the order dated 14.7.2006 passed by the Hon'ble Supreme (Annexure R2/1) in Special Leave Petition (C) No.10461 of 2006, which the respondents have filed

against the above said judgment of this Court. In the aforesaid SLP, the Hon'ble Supreme Court has passed the following order:-

> "Issue notice limited to back wages. Stay of payment of back wages, in the meantime."

Along with the affidavit, the second respondent has also appended an order dated August 23, 2006 in which, after a brief reference to the orders passed by this Court as well as by the Hon'ble Supreme Court noted above, the petitioner has been ordered to be "reinstated with effect from 24.2.2006".

Learned Counsel for the petitioner contends that the above stated order does not amount to faithful compliance of judgment dated January 20, 2006 passed by this Court in terms whereof the petitioner is entitled to all the consequential benefits except the payment of back wages, the recovery whereof has been stayed by the Hon'ble Supreme Court.

After hearing Learned Counsel for the parties and having regard to the fact that the respondents are inclined to implement the order dated January 20, 2006 passed by this Court except that no payment of back wages is to be made to the petitioner in view of the interim order passed by the Hon'ble Supreme Court, and also having regard to the fact that once the order of termination of services of the petitioner has been quashed by this Court, he is entitled to be reinstated with effect from the date of passing of the said order, this petition is disposed of with a direction to the respondents that the petitioner's reinstatement shall be treated with effect from 10.12.2003, i.e. the date when his services were terminated. The petitioner shall be entitled to all the consequential benefits except the back wages, the recovery of which has been stayed by the Hon'ble Supreme Court. The

other consequential benefits, if any, paid or granted to the petitioner would obviously be subject to the final outcome of the SLP, which the respondents have preferred before the Hon'ble Supreme Court. The needful shall be done within a period of one month from today.

Disposed of.

Rule discharged.

September 8, 2006. [**Surya Kant**]
kadyan **Judge**